



# Public Utility Commission of Texas

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Pat Wood, III  
Chairman

Judy Walsh  
Commissioner

Patricia A. Curran  
Commissioner

December 17, 1999

Office of the Secretary  
Federal Communications Commission  
Portals  
445 12th St., S.W.  
TW-A325  
Washington, D.C. 20554

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DEC 18 1998

FCC MAIL ROOM

RE: NARUC Request for Clarification and/or Reconsideration of GTE DSL Order, CC  
Docket No. 98-79

Dear Secretary:

Enclosed herewith for filing with the Commission are an original and four copies of the Commission of the Public Utility Commission of Texas in the above captioned matter.

Thank you for your assistance.

Sincerely,

Stephen J. Davis  
Chief  
Office of Policy Development

cc: Competitive Pricing Division  
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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
)  
GTE Telephone Operators GTOC )  
Tariff No. 1 GTOC Transmittal No. 1148 )  
Order Designating Issues for Investigation )  
)

CC Docket No. 98-79

**COMMENTS OF THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ON PETITIONS FOR CLARIFICATION AND/OR RECONSIDERATION**

On December 4, 1998, the Federal Communications Commission (Commission) released a Public Notice (DA-98-2502) establishing the pleading cycle for responding to two recent petitions that request clarification and/or reconsideration of the Commission's decisions in the above referenced docket. The National Association of Regulatory Utility Commissioners (NARUC) filed a Request for Clarification and/or Reconsideration, and MCI WorldCom filed a Petition for Reconsideration in response to the Commission's GTE DSL Order, released on October 30, 1998. The Public Utility Commission of Texas (PUCT) initially filed comments on the matter of GTE's proposed DSL service offering on September 23, 1998, and respectfully files these comments in response to the Public Notice.

The PUCT will focus our comments on NARUC's Request for Clarification and/or Reconsideration. The NARUC filing seeks clarification on two main points: 1) whether the Commission's October 30, 1998, Order precludes states from requiring intrastate tariffs of DSL services that will connect end-users to Internet Service Providers (ISPs); and 2) whether the cost allocation procedures associated with this special access tariff remain in effect until the

Separations Joint Board makes a recommendation on any needed revisions and the FCC acts on that recommendation. The NARUC further asks the Commission to either disclaim the rationale proposed for allowing the tariff to go into effect or, at a minimum, clarify that the rationale is tentative, subject to further proceedings at the Commission, and in any case, is strictly limited to the above referenced docket, thus not acting in any way to foreclose or channel the determinations currently pending before the Separations Joint Board.

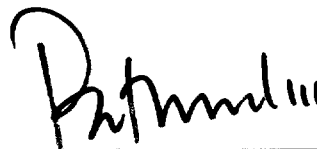
We support the NARUC request for review of the Commission's October 30 Order. The NARUC position is consistent with our previously-filed comments in this proceeding. We believe that good public policy decisions regarding high-speed telecommunications services are critical to our state and to the nation, and that these decisions should not be made on a piecemeal basis within individual tariff approvals, as in the instant GTE proceeding. We agree with NARUC in preferring that the Commission not include its broad discussion on the nature of ISP traffic as a part of its approval of this tariff.

The PUCT appreciates the opportunity to offer a response to the issues brought forth by NARUC's Request. We continue to urge the Commission to address the nature of high-speed data traffic outside of this docket. We support NARUC's proposal because it closely parallels the concerns and recommendations of our September 23 comments. We urge the Commission to respond to NARUC's proposal by clarifying that the Commission's decision is strictly limited to this docket and does not preclude the determinations currently pending before the Separations Joint Board.

Respectfully submitted,

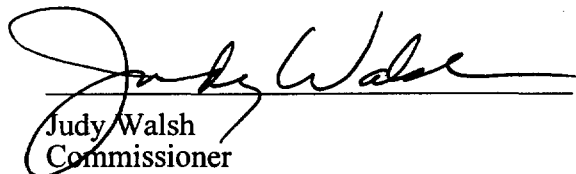
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

December 14, 1998



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Pat Wood, III  
Chairman



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Judy Walsh  
Commissioner